

Ordinance No. 16-19

ORDINANCE: To grant Text Amendment Application No. TXT2019-00252, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2019-00252 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of amending Article 20 to clarify that the public water and sewer adequacy determination may require a final determination at the time of building permit issuance; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of May 8, 2109, and provided comments and recommendations to the Mayor and Council; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on June 3, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on June 3 said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

Amend Article 20, “Adequate Public Facilities”, as follows:

**25.20.02 – Applicability**

\* \* \*

- e. Once any development approval or any amendment thereto, that is subject to the provisions of this Chapter, has a valid adequate public facilities determination, an application to implement such development approval is not subject to further adequate public facilities determination, except for water and sewer service, which is confirmed prior to the issuance of a building permit, provided that the adequate public facilities determination and any extension thereof, has not expired. If the confirmation of the public water and sewer adequacy prior to building permit issuance reveals a change from the original determination, then mitigation of impacts may be required.

**25.20.03 – Adequate Public Facilities Determination: Validity Period; Extension; Redetermination**

\* \* \*

- b. *Extension*

\* \* \*

3 5. *Extension Not Automatic* – Compliance with the conditions of this Section, 25.20.03, including instances where the applicant has completed all conditions imposed at the time of development approval to meet adequate public facilities requirements, does not require the Approving Authority to extend the validity period of a finding of adequate public facilities.

4 6. *Reevaluation and Reaffirmation* – After the expiration of a determination of adequate public facilities, reaffirmation of the adequacy of the public facilities to serve the project may be granted by the original Approving Authority based on an analysis of the impact of the net remaining development on the public facilities, consistent with the Adequate Public Facilities Standards. The analysis shall apply credits for infrastructure that has been provided in conjunction with the development. If the analysis indicates that existing and programmed public facilities will be overburdened, mitigation of said impacts shall be required as a condition of reaffirmation.

c. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.

**25.20.04 – Applicability to Previously Approved Planned Development**

\* \* \*

d. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.

NOTE: ~~Strikethroughs~~ indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of July 8, 2019.

  
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Sara Taylor-Ferrell, City Clerk/Director of Council Operations